

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
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)	
Modernizing the FCC Form 477 Data Program)	WC Docket No. 11-10
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)	

COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

Competitive Carriers Association (“CCA”)¹ respectfully submits these comments in response to the *Further Notice of Proposed Rulemaking* (“FNPRM”) seeking comment on additional reforms to modernize the Federal Communications Commission’s (“FCC” or “Commission”) Form 477 data program in the above-referenced proceeding.² CCA supports the FCC’s goal to revise Form 477 data to ensure the Commission can make policy decisions based on more accurate evaluations of service coverage in rural and urban markets. At the same time, CCA encourages the Commission to base its policy decisions on a data-driven analysis. As a part of its latest Mobility Fund II (“MF II”) program reforms, the Commission will collect current 4G LTE coverage data from almost all mobile providers by January 4, 2018, and improved through a robust challenge process which will take an additional eight months. Because this data and future Form 477 collections will be applied across a wide range of policy

¹ CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents nearly 100 associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

² *Modernizing the FCC Form 477 Data Program*, Further Notice of Proposed Rulemaking, WC Docket No. 11-10 (rel. Aug. 4, 2017) (“NPRM”).

issues moving forward, the FCC should ensure information gathered in the MF II one-time data collection is appropriately weighed and accurate before moving forward with Form 477 modernization.

Currently, Form 477 is the principal tool used to determine the availability of communications services, and to inform the Commission’s policymaking decisions on a variety of issues including Universal Service Fund support. Because of the data’s breadth of application, CCA agrees with the FCC’s conclusion that “accurate and reliable mobile broadband deployment data is critical to policymakers as well as consumers.”³ Chairman Pai has echoed Congress’ concerns⁴ when he notes that, “[m]aintaining updated and accurate data about broadband deployment is critical to bridging the digital divide.”⁵ Yet Form 477 data does not provide the level of detail nor standardization necessary to perform a sustainable market analysis, and should be revised to better reflect service coverage in rural and urban America. CCA therefore applauds the FCC’s FNPRM which takes steps to improve the value of the data collected.

³ NPRM ¶ 8.

⁴ See Letter from Sens. Wicker (R-MS), Manchin (D-WV), Baldwin (D-WY), Blunt (R-MO), Burr (R-NC), Capito (R-WV), Daines (R-MT), Ernst (R-IA), Fischer (R-NE), Gardner (R-CO), Heitkamp (D-ND), Johnson (R-WI), King (I-ME), Klobuchar, (D-MN), McCaskill (D-MO), Moran (R-KS), Peters (D-MI), Roberts (R-KS), Rubio (R-FL), Tillis (R-FL), Vitter (R-LA), Warner (D-VA), Wyden (D-OR), Cochran (R-MS), Boozman (R-AR), Kirk (R-IL), U.S. Senate, to The Hon. Tom Wheeler, Chairman, Federal Communications Commission (July 11, 2016), *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-341429A2.pdf (Noting that “[i]mportantly, the FCC must rely on realistic measurements of network experience on the ground to determine areas to support.”). See also Letter from Sens. Blunt, Wicker, Moran, Ayotte (R-NH), and Fischer, U.S. Senate, to The Hon. Tom Wheeler, Chairman, Federal Communications Commission (Oct. 24, 2014) (“Ubiquitous, advanced mobile services remain a challenge, and considerable gaps persist in many rural areas.”).

⁵ *Modernizing the FCC Form 477 Data Program*, Further Notice of Proposed Rulemaking – Statement of Chairman Ajit Pai at 42, WC Docket No. 11-10 (rel. Aug. 4, 2017).

At the same time, the FCC’s MF II *Order on Reconsideration and Second Report and Order* (“Report & Order”) takes a critical step toward deploying mobile broadband services in rural areas where it is needed most.⁶ In reforming the MF II program, the Commission correctly recognized concerns regarding the quality of Form 477 data, and adopted a new, one-time collection of 4G LTE coverage data, which will be used to establish a map of areas presumptively eligible for MF II support.⁷ Providers are required to file propagation maps and model details indicating current 4G LTE coverage, as defined by download speeds of 5 Mbps at the cell edge with 80% probability and a 30% cell loading factor. The FCC recently received approval, on an emergency basis, from the Office of Management and Budget to move forward with the one-time information collection. Based on instructions recently provided by the FCC, relevant providers must submit this coverage data by January 4, 2018.⁸ This will provide the Commission and interested parties with the best available starting point for tailored challenges regarding coverage representations for MF II support.

Additionally, the FCC should consider the burdens associated with a one-time data collection in the MF II proceeding, in addition to forthcoming Form 477 modifications. The FCC has noted its intent to move expeditiously in this proceeding, and should therefore consider the economic and human resources associated with both collections, especially if they are to be done in the same calendar year. Specifically, providers will need adequate time and resources to

⁶ *Connect America Fund, Universal Service Reform – Mobility Fund*, Order on Reconsideration and Second Report and Order, WC Docket Nos. 10-90 & 10-208 (rel. Aug. 4, 2017) (“Report & Order”).

⁷ *See id.* ¶ 28.

⁸ Public Notice, *Instructions for Filing 4G LTE Coverage Data to Determine Areas Presumptively Eligible for Mobility Fund II Support*, WC Docket No. 10-90, WT Docket No. 10-208 (rel. Sept. 22, 2017) (“Recollection Public Notice”).

prepare another set of coverage data, especially smaller carriers with limited resources. To ensure that finite resources are put to their best use, therefore, the FCC should appropriately gather and analyze the MF II data to be submitted by carriers, prior to implementing revisions to the Form 477 program and before carriers expend additional unnecessary resources. Together, these processes will standardize current inconsistent data and present more accurate, on-the-ground broadband coverage that reflects consumers' actual mobile experiences for policy decisions moving forward.

CCA encourages the FCC to use the MF II one-time data collection as a test case, prior to revising Form 477. CCA wholeheartedly agrees with the Commission that better data is needed to evaluate mobile wireless coverage in the United States;⁹ however, the FCC should not make premature judgments on how to refine the Form 477 program before evaluating the results of the MF II collection. The Telecommunications Act of 1996, *as amended*, demands that rural consumers are provided access to reasonably comparable services as those offered to their urban counterparts.¹⁰ Together, the FCC's data collection efforts will help to pave the way toward achieving this mutual goal. CCA looks forward to working with the Commission, Congress, and industry to ensure more accurate coverage data can be efficiently applied to policy decisions moving forward.

Respectfully submitted,

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⁹ See, e.g., Comments of Competitive Carriers Association, WC Docket Nos. 10-90 & 10-208 at 11-12 (filed Apr. 26, 2017) ("CCA MF II Comments"); Reply Comments of Competitive Carriers Association, WC Docket Nos. 10-90 & 10-208 at 4-5 (filed May 11, 2017) ("CCA MF II Reply Comments").

¹⁰ See 47 U.S.C. § 332(c)(1)(C).